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MM Docket No. 99-25

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the matter of

**Creation of a low
Power Radio Service**

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) **MM Docket No.99-25**
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) **RM-9208**
) **Rm-9242**
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**Comments of
KBIM AM, KBIM FM Radio, Roswell, New Mexico**

In my 37 years in radio I have never felt the need to file formal comments on an FCC proposal until now. My name is John King, and I am the company president with 14% ownership in the stations. My wife, Betty, owns 62% and our two daughters own the rest.

For the FCC to propose an idea (such as Low Power FM) that would unquestionably devastate the small market radio industry leads me to believe that this Commission and its chairman are out of touch with reality. Perhaps it is because those who have been appointed to the Commission have little historical perspective in radio and are, for the most part, inexperienced in the industry. One must also get the feeling that the Commission exhibits a cavalier disregard for the forces of economic balance, and competitive

disinvestments especially in small markets.

In my market, the 80/90 disruption created seven new stations in a city of less than 50,000 people. Prior to 80/90 there were seven (7) stations, after 80/90 there are now fourteen (14) stations. Prior to 80/90 we had 23 employees with live announcers around-the-clock and a full time news department. After 80/90 and the influx of seven more stations competing for the advertising dollar forced us to reduce our staff to 9 people. We were forced to automate instead of using live announcers, and we were forced to eliminate our news department.

80/90 was the brain-child of a former Commission the purpose of which was to open up more opportunities for minorities and women to own and operate radio stations. It did not work. 80/90 was a national disgrace, a fiasco that did not result in more diversity of ownership, but rather the exact opposite occurred. The rapid growth of new FM stations nationwide resulted in such a shock to the economic balance in broadcasting that many stations could not afford to stay on the air. Service to the public is first, of course, but a commercial radio station must take in enough revenue in sales to support those services or they must reduce services or worst of all, go off-the-air. Tragically, this happened over and over in the late 80's and 90's resulting in the Commission reversing itself on multiple ownership rules. This was another self-defeating mistake.

To alleviate the mistake of 80/90 the Commission first allowed and sanctioned LMA's. Then the Commission succumbed to the lobbying of powerful radio groups and did the exact opposite of their original intent of encouraging more minority and women licensees. From LMA's the frenzy went to multiple ownership (consolidation) which we had been told by the Commission for years was "bad."

Low Power FM will compound the 80/90 problem. It will not create jobs. The influx of more stations, especially in small markets, will cause broadcasters to revert to more automation resulting in the loss of jobs and services. Existing stations will struggle to survive. The very fact that the radio dial is filled with stations will create the impression in the minds of advertisers that radio in a small market is too fractured to be a good advertising buy. It's very nearly that way now.

Radio is already suffering from the disappearance of small independent businesses that can no longer compete with the Wal Marts and K Marts, and the Office Max and Best Buys which normally do not use local radio, but rather depend on national television advertising.

If LPFM is initiated, the Commission will in effect kill the system of radio we have today and replace it with a plethora of

under-financed low-powered transmitter owners who may or may not be able to hire employees for their esoteric programming. The stations may or may not be on the air on a 24 hour basis, depending on whether or not the LPFM owner can afford to hire announcers. If not, then he/she will have to either automate or not be on the air with a predictable schedule. Then, what has the Commission gained other than destroying a workable system of radio that is still trying to serve the public, not the whims of capricious pirate operators.

The Commission, plain and simple, is playing havoc with the broadcasting industry. The Commission in proposing to "open up" all available frequencies for low power FM radio stations demonstrates a serious flaw in their thinking. It seems they envision small one-man operations. Such stations could afford to sell advertising at a fraction of what a fully staffed station must have just to pay bills.

It seems to me that the LPFM proposal of this Commission is concerned more with how they can "legitimize" pirate operations than they are in encouraging established career broadcasters to provide greater services (such as digital) to the public. Low Power FM would be like changing the rules in the middle of a game, by creating unfair competition which would severely hurt small market broadcasters who have made considerable investment in equipment and staff to serve the public.

The 80/90 ruling a few years ago allocated thousands of new

stations across the country the negative results of which are still being felt. Roswell, for instance, had (7) seven radio stations before 80/90. Now there are (14) fourteen stations in this small market. Competition keeps rates extremely low and yet costs continue to go up. You can see what additional stations on the air in Roswell would do to existing operations that try to provide jobs for people and news services. It would force cut backs, lay-offs, and loss of services. Low Power FM radio we know will KILL small market radio, but all that may be mute anyway considering the Commission's plans to allow WCS Radio, CD Radio, and XM Satellite Radio which will be the final nail in the coffin of "local service commercial radio."

For the small market career broadcaster, it is sobering to realize that one's entire career and life investment is in the hands of men and women appointed to the Commission who come and go with political changes in government. The Commissioners make their rulings and then go on to other jobs leaving the career broadcaster to pick up the pieces.

Please consider disallowing Low Power FM services, especially in small markets that are over saturated with signals already.